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United States District Court

MAR - 2 2006

U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY J
DEPUTY CLERK

WESTERN DISTRICT OF TEXAS

In the Matter of the Search of
(Address or brief description of property or premises to be seized)APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

The person and body of
TIMOTHY DANIEL MORRISS,
White Male, Date of Birth: [REDACTED] 1963, Last Known
Address: [REDACTED] Weir, Texas 78674.

CASE NUMBER:

A-06-62M

I, Special Agent Christopher W. Thompson being duly sworn, depose and say:I am a(n) Special Agent, Federal Bureau of Investigation and have reason to believethat X on the person of or on the premises known as (name, description, and/or location)The person and body of **TIMOTHY DANIEL MORRISS**, White Male, Date of Birth: [REDACTED] 1963, Last Known Address:
[REDACTED] Weir, Texas 78674, who is further identified and described at Attachment A attached hereto.in the Western District of Texas there is

now concealed a certain person or property, namely (describe the person or property)

An adequate sample of his hair, blood, saliva, and other body fluid. A sample of blood and any internal body fluid shall be taken by a licensed doctor or nurse or other qualified medical practitioner under sanitary conditions and according to accepted medical practices.

concerning a violation of Title 18 United States Code, Section(s) 2422(b) & 1201(a)

The facts to support a finding of Probable Cause are as follows:

See Attached Affidavit.

Continued on the attached sheet and made a part hereof. X Yes NoChristopher W. Thompson
Signature of Affiant

Sworn to before me, and subscribed in my presence.

Date

3/2/06

at Austin, Texas

City and State

ANDREW W. AUSTIN
United States Magistrate Judge

Name and Title of Judicial Officer

Andrew W. Austin
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

In the Matter of the Search Of:

The Person and Body of

TIMOTHY DANIEL MORRISS,

White Male, Date of Birth: [REDACTED] 1963,

Last Known Address: [REDACTED]

[REDACTED] Weir, Texas 78674

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NO. _____

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, CHRISTOPHER W. THOMPSON, being duly sworn, do hereby depose and state:

1. I have been employed as a Special Agent (SA) of the Federal Bureau of Investigation (FBI) since April, 2004, and am currently assigned to the Austin Resident Agency of the FBI's San Antonio Division. Through formal and on the job training, I am experienced in Crimes Against Children investigations. As a Federal Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. I have participated in the execution of numerous search warrants for documents and other evidence in cases involving the sexual abuse and exploitation of minors.

2. I submit this affidavit in support of the application for a search warrant to obtain a sample of hair, blood, saliva, and other body fluid from the person and body of TIMOTHY DANIEL MORRISS, who is more fully described in Attachment A to this Affidavit, sufficient to provide a quantity of deoxyribonucleic acid (DNA) that could be submitted to a forensic laboratory and possibly matched by forensic DNA testing, typing, and analysis with one or more samples of human

body fluid and DNA evidence. As set forth below, such a sample constitutes evidence of violation of Title 18, United States Code, Sections 2422(b) (Using a Facility of Interstate Commerce to Coerce or Entice a Minor to Engage in Illegal Sexual Activity) and 1201(a) (Using a Facility of Interstate Commerce to Confine a Minor).

3. The statements contained in this affidavit are based on information provided to me by SA Kurt Lipanovich of the Federal Bureau of Investigation, St. Joseph, Missouri, Resident Agency, Kansas City Field Office; and information obtained by Your Affiant. SA Lipanovich has been an FBI Special Agent for approximately 16 years. During that time, SA Lipanovich has been assigned a wide variety of criminal investigations, including, but not limited to, various matters concerning the sexual exploitation of children. SA Lipanovich is responsible for investigating violations of federal criminal law in the 17 northwest counties of Missouri, which includes the town of St. Joseph, in Buchanan County.

4. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of the application for a search warrant, it does not set forth each and every fact known to me regarding this investigation.

FACTS

5. On November 23, 2005, Special Agent Robert Jacobs, Kansas Bureau of Investigation ("KBI"), provided SA Lipanovich with the following information:

a. On or about July 23, 2005, approximately 23 female wrestlers from the Team Texas delegation of USA Wrestling met at the Embassy Suites Hotel in Frisco, Texas, to prepare for the national meet in Fargo, North Dakota. The group consisted of 23 female wrestlers who are juniors and seniors in high school, three coaches (Chuck Brown, Chris Scroggins, and MORRISS),

and one adult chaperone, Mike Timmons, who was the father of one of the wrestlers. After training in Frisco for three days, the group boarded a bus from Red Carpet Charters in Oklahoma City and traveled to Fargo.

b. After completing the competition on or about July 30, 2005, the group boarded the bus for the return trip to Frisco, Texas, and departed Fargo at approximately 6:00 PM. According to Female Minor Victim #1 ("FMV#1") and Female Minor Victim #2 ("FMV#2"), who were interviewed by KBI SA Jacobs and are both under the age of 18, they were sitting near the front of the bus with MORRISS between them underneath a sleeping bag that MORRISS had put across them. Both victims stated that after everyone had settled into the bus and a movie had been turned on, MORRISS touched them and rubbed their bodies at different times throughout the night.

c. FMV#2 stated that MORRISS grabbed her legs and back to "hold her on the seat." While she rested in the seat, he began massaging her stomach and touched her underneath her bra. While she was trying to go to sleep, he touched her breasts and vaginal area through the outside of her clothing. She was unable to specify exactly when and where this occurred except to say that it happened over an extended period of time as they traveled down the highway. She eventually moved to another seat.

d. FMV#1, who was crammed in her bus seat between MORRISS and the window, reported that MORRISS began stroking her and massaging her body parts. FMV#1 stated that eventually MORRISS placed his hand down her pants, touching and penetrating her vagina with his fingers while concealing it underneath the sleeping bag on top of them. Furthermore, MORRISS took FMV#1's hand and placed it on his penis and then using his hand, he forced her to masturbate him. FMV#1 stated that the sexual assault continued on and off throughout the trip over an extended

period of time. FMV#1 stated that, during the assault, although her body was shaking, MORRISS held her down in the bus seat while the sexual assault occurred.

e. FMV#1 stated that MORRISS stopped the digital penetration shortly before the bus stopped in St. Joseph, Missouri, to change drivers. She also stated that he began the digital penetration again once they resumed the trip.

f. The bus stopped at approximately 6:30 AM at a McDonald's at mile marker 24 on Interstate Highway 35 south of Wichita, Kansas. When FMV#1 got back on the bus, MORRISS was waiting for her and guided her back to a seat with him, blocking off her access to the other bus seats. Once seated and moving, he again held her down, took her hand, placed it on his penis, and forced her to masturbate him until he ejaculated. After MORRISS ejaculated, he told FMV#1 to go wash up in the bus bathroom. FMV#1 got up from her seat and wiped her hand on her shorts, which caused a semen stain to remain on her shorts. FMV#1 found another seat on the bus and attempted to go to sleep for the rest of the trip. FMV#1 stated that MORRISS stared at her throughout the rest of the night. FMV#1 later turned her shorts over to law enforcement authorities.

g. Upon arriving in Frisco, Texas, FMV#1 reported the sexual assault to her high school wrestling coach, Mike Eaton. Eaton then assisted FMV#1 in reporting the assault to her parents. FMV#1's parents reported the assault to the Frisco Police Department. Shortly thereafter, FMV#2 also reported the sexual assault to the Frisco Police Department.

h. Initial investigation into this matter was conducted by SA Jacobs after being contacted by Texas law enforcement. After SA Jacobs learned that MORRISS' digital penetration of FMV#1, the more serious of the sexual assaults, occurred in St. Joseph, Missouri, SA Jacobs requested assistance from SA Lipnovich.

i. SA Jacobs' investigation determined that MORRISS was the owner and operator of The Rock Wrestling Club, Inc., in Leander, Texas.

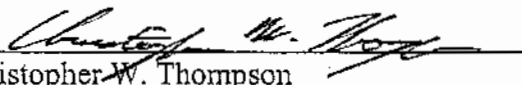
6. Your Affiant knows from education and experience, and information provided in consultation with one or more experienced agents and/or forensic serologists, that a sample of a suspect's hair, blood, saliva, or other body fluid would be of evidentiary value, in that such a sample could be analyzed and tested, using forensic DNA testing techniques, against the known sample(s) of DNA obtained from human body fluid evidence, such as semen, taken from a crime scene or from an evidentiary item. Such forensic DNA testing would make it possible to draw strong conclusions regarding whether the body fluid evidence found at the crime scene or found on the evidentiary item is likely to have originated – or not to have originated – from the suspect. Moreover, the results and conclusions drawn from forensic DNA testing and comparison of hair, blood, saliva, or other body fluid samples of known and unknown origin have been deemed admissible in the courts of the United States.

7. Based on the foregoing, there is probable cause to believe that TIMOTHY DANIEL MORRISS committed the crimes of Using a Facility of Interstate Commerce to Coerce or Entice a Minor to Engage in Illegal Sexual Activity and Using a Facility of Interstate Commerce to Confine a Minor, as described above, in violation of 18 U.S.C. §§ 2422(b) and 1201(a). Accordingly, there is probable cause to believe that MORRISS may be the origin of the suspected human body fluid evidence found on clothing evidence obtained in this criminal investigation and that a sample of MORRISS' hair, blood, saliva, and other body fluid constitutes evidence of the commission of such criminal offense(s).

8. Accordingly, Your Affiant requests the issuance of a warrant to seize and obtain from

TIMOTHY DANIEL MORRISS a sample of his hair, blood, saliva, and other body fluid. Blood and other internal body fluid evidence will be taken by a licensed doctor or nurse or other qualified medical practitioner under sanitary conditions and according to accepted medical practices. Hair and saliva evidence will be taken by a Special Agent or FBI Evidence Technician using generally accepted forensic evidence collection methods.

FURTHER AFFIANT SAYETH NAUGHT.


Christopher W. Thompson
Special Agent, Federal Bureau of Investigation
Austin, Texas

Subscribed and sworn to before me on this 2nd day of March, 2006.


UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

DESCRIPTION OF THE PERSON AND BODY OF TIMOTHY DANIEL MORRISS

TIMOTHY DANIEL MORRISS is described as a white male, whose date of birth is [REDACTED] 1963, who has been issued Social Security Account Number [REDACTED] and who has been assigned FBI Number [REDACTED]. He currently resides at [REDACTED] Weir, Texas 78674, in the Western District of Texas. He works at The Rock Wrestling Club, Inc., 2601 N. Walker Drive, Leader, Texas 78641, in the Western District of Texas.

The following is a photograph of MORRISS from his Texas driver's license, which is about two years old:

